



PUBLIC NOTICE

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DA 04-1344

May 12, 2004

**COMMENTS INVITED ON APPLICATION OF AVAYA, INC.
(SUCCESSOR-IN-INTEREST TO EXPANETS OF NORTH AMERICA LLC
D/B/A/ INTEGRATED SYSTEMS CORPORATION) TO DISCONTINUE
DOMESTIC TELECOMMUNICATIONS SERVICES**

WC Docket No. 04-167
Comp. Pol. File No. 682

Comments Due: May 26, 2004

Section 214 Application

**Applicant: Avaya, Inc. (Successor-in-Interest to Expanets of North America LLC
d/b/a/ Integrated Systems Corporation)**

On April 29, 2004, Avaya, Inc. (Successor-in-Interest to Expanets of North America LLC d/b/a/ Integrated Systems Corporation) (Avaya or Applicant), located at 125 South Dakota Avenue, Suite 1100, Sioux Falls, South Dakota 57104, filed an application with the Federal Communications Commission (FCC or Commission) requesting authority, under section 214(a) of the Communications Act of 1934, as amended, 47 U.S.C. § 214(a), and section 63.71 of the Commission's rules, 47 C.F.R. § 63.71, to discontinue the provision of resold interstate toll services in the state of Oklahoma. By an amendment filed May 11, 2004, Avaya corrected certain deficiencies in its initial application. Accordingly, the application is deemed complete and officially filed with the Commission on May 11, 2004.

Avaya states that it seeks to discontinue the provision of resold interstate toll services to approximately 80 customers in Oklahoma. Avaya plans to discontinue these services as of June 12, 2004, or as soon thereafter as the necessary governmental approval can be obtained. Avaya indicates that its customers were notified in writing of Avaya's plans to discontinue service by a letter dated May 11, 2004. Avaya further indicates that it is non-dominant with respect to the services it seeks to discontinue and that customers will continue to have numerous options to receive service from alternative service providers.

In accordance with section 63.71(c) of the Commission's rules, the application will be deemed to be automatically granted on the thirty-first (31st) day after the release date of this notice, unless the Commission has notified the Applicant that the grant will not be automatically effective. Accordingly, pursuant to section 63.71(c), absent further Commission action, Avaya may not terminate service until June 12, 2004. The Commission will normally

authorize proposed discontinuances of service unless it is shown that customers or other end users would be unable to receive service or a reasonable substitute from another carrier, or that the public convenience and necessity would be otherwise adversely affected.

This proceeding is considered a "permit but disclose" proceeding for purposes of the Commission's *ex parte* rules, 47 C.F.R. §§ 1.1200-1.1216. Comments objecting to this application must be filed with the Commission on or before **May 26, 2004**. Such comments should refer to **WC Docket No. 04-167 and Comp. Pol. File No. 682**. Comments should include specific information about the impact of this proposed discontinuance on the commenter, including any inability to acquire reasonable substitute service. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 Fed. Reg. 24121 (1998). Comments filed through the ECFS can be sent as an electronic file via the Internet to <<http://www.fcc.gov/e-file/ecfs.html>>. Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send e-mail to ecfs@fcc.gov, and should include the following words in the subject line "get form <your e-mail address>." A sample form and directions will be sent in reply.

Parties who choose to file by paper must send an original and four (4) copies of the comments to the Office of the Secretary, Federal Communications Commission, 445 12th Street, S.W., Room TW-A325, Washington, D.C. 20554. Two (2) copies of the comments should also be sent to the Competition Policy Division, Wireline Competition Bureau, Federal Communications Commission, 445 12th Street, S.W., Room 6-A207, Washington, D.C. 20554, Attention: Carmell Weathers. In addition, comments should be served upon the Applicant. Commenters are also requested to fax their comments to the FCC at (202) 418-2345, Attention: Carmell Weathers.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Natek, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, S.W., Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

The application will be available for review and copying during regular business hours at the FCC Reference Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554, (202) 418-0270. A copy of the application may also be purchased from the Commission's copy contractor, Qualex International, Portals II, 445 12th Street, S.W., Room

CY-B402, Washington, D.C. 20554, telephone (202) 863-2893, facsimile (202) 863-2898, or via e-mail at **qualexint@aol.com**.

For further information, contact Carmell Weathers, (202) 418-2325 (voice), **carmell.weathers@fcc.gov**, or Denise Coca, (202) 418-0574 (voice), **denise.coca@fcc.gov**, of the Competition Policy Division, Wireline Competition Bureau. The TTY number is (202) 418-0484. For further information on procedures regarding Section 214 please visit **http://www.fcc.gov/wcb/cpd/other_adjud.**

-FEDERAL COMMUNICATIONS COMMISSION-